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**On the Department of Energy's Draft Environmental Impact Statement for a
Geologic Repository for the Disposal of Spent Nuclear Fuel and
High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada**

January 11, 2000

EIS000713

Thank you for the opportunity to testify regarding the Department of Energy's Draft Environmental Impact Statement (DEIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain.

I am a medical doctor here in the Las Vegas area. I am a former board member of the national group, Physicians for Social Responsibility, American recipient of the 1985 Nobel Peace Prize for our work in educating the public on the dangers of nuclear war and radioactive pollution. We are a public education organization; we enjoy a membership of 18,000 physicians nationwide.

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The DEIS is simply unacceptable and should be rewritten because, among other things, it fails to adequately address Environmental Justice issues. In April 1995, the Department of Energy (DOE) developed its Environmental Justice Strategy, in accordance with a 1994 executive order. This document outlines the key goals and components of a thorough and fair assessment of departmental actions with regard to how minority or low-income communities will be affected as a result of those actions.

The Strategy supposedly "emphasizes community participation and empowerment of [the DOE's] stakeholders and communities, refocused research agendas to reflect a new recognition of various health issues [and] embraces interagency coordination to ensure environmental justice" (p. 2). Yet, the DOE does not consider that minority or low-income communities along the transportation routes may have special health or environmental concerns. Instead, the DOE approached its environmental justice analysis by first reviewing the proposed action to see if it would likely result in high and adverse human health or environmental impacts to the general population, and then supposedly checking to see if any identified impacts would disproportionately affect specific minority or low-income communities. With this method, the DOE was unable to identify any environmental justice issues. It seems that in order to achieve true environmental justice, the DOE would need to identify all of the minority and low-income communities that could potentially be affected and then check to see if there would be any negative impacts to these communities that would be disproportionate to other communities.

The Strategy lists among its goals to "Identify minority and low-income populations and communities which could be impacted by potential increases in environmental impacts attributable to Departmental

1 ... operations" (p. 6) and "Address demographics and socioeconomic factors unique to health-related issues, multiple contamination sources, multiple exposure possibilities, unique risk scenarios as appropriate, in the impact analyses" (p. 8). It is well known that low-income and minority communities are often located along rail roads and highways. Federal regulations allow transportation casks to emit 10 millirem/hour at 2 meters from the cask surface, which is equivalent to one chest x-ray per hour. If nuclear waste transportation casks are to travel repeatedly through certain minority or low-income neighborhoods, where children are playing in playgrounds close to the street or where people are sitting in traffic jams next to the casks, these communities will be at greater risk than the general population.

2... The DOE's Environmental Justice Vision Statement claims that the DOE will function in a leadership role by "focusing on a 'Partnership in Participation Approach' with our stakeholders including the general public, affected communities, Federal, Tribal, State, and local governments in the early stages of planning and implementing environmental justice procedures" (p.4). The Strategy lists as a goal, "Where appropriate, structure programs to encourage local community groups to participate in Departmental decisions which may affect their communities" (p. 9). It is possible that the decision to haul the nation's nuclear waste across the country may affect more neighborhoods than any other decision by the Department of Energy indeed it will affect over 100 communities with populations of more than 100,000 people. Yet, the DOE refuses to name the mode of transportation (rail or truck) or the routes that it will use to transport 77,000 metric tons of nuclear waste across the country. Further, it has failed to hold hearings in key areas such as Chicago, Cleveland, Hartford, Indianapolis, Los Angeles, and other major cities that are likely to lie along those transportation routes, thereby ignoring the goals set forth in the Environmental Justice Strategy.

1 cont. For many years, decisions about where to locate environmental hazards were based on where the people would have the least amount of power to fight against those hazards. In only the recent past, the United States has admitted to this shameful practice and made a commitment to uphold the principles of Environmental Justice through the president's Executive Order and the Environmental Protection Agency's Environmental Justice Strategy. The DOE should not be allowed to revert to past practices in order to push through a decision on Yucca Mountain that could disproportionately threaten the health and well-being of our poorest and least powerful communities. The nuclear industry has been allowed to push its problems on America's citizens for too long. The DEIS should be rewritten, and it should accurately classify the impacts to minority and low-income communities.

Thank you.